



Certified as a true copy and issued
as the mandate on Apr 19, 2023

Attest: *Lyle W. Cayce*
Clerk, U.S. Court of Appeals, Fifth Circuit

United States Court of Appeals for the Fifth Circuit

No. 23-50090

KIMBERLY D. HOGAN,

Plaintiff—Appellant,

versus

ASPIRE FINANCIAL, INCORPORATED, *doing business as* ASPIRE
LENDING; DONALD E. ULOTH; FELICIA PITRE, *Clerk of the Court*;
DALLAS COUNTY 162ND DISTRICT COURT; MELINDA THOMAS,
Court Coordinator; DALLAS 162ND DISTRICT COURT; LISA MATZ,
Appellate Court Clerk; DALLAS 5TH COURT OF APPEALS; KRISTEN
GOLBY, *Deputy Clerk of the Court*; SUPREME COURT OF TEXAS;
BLAKE A. HAWTHORNE, *Clerk of the Court*; SUPREME COURT OF
TEXAS; JOHN AND JANE DOES 1-100; TYLER TECHNOLOGIES,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:21-CV-892 RP

UNPUBLISHED ORDER

Before ELROD, GRAVES, and HO, *Circuit Judges*.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own
motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir.

FILED

April 19, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: klw
DEPUTY

United States Court of Appeals
Fifth Circuit

FILED

March 28, 2023

Lyle W. Cayce
Clerk

No. 23-50090

2000). Pursuant to 28 U.S.C. § 2107(a) and Federal Rule of Appellate Procedure 4(a)(1)(A), the notice of appeal in a civil case must be filed within thirty days of entry of judgment.

In this breach of contract action, the district court entered final judgment dismissing the complaint on July 18, 2022. Therefore, the final day for filing a timely notice of appeal was August 17, 2022. Plaintiff's *pro se* notice of appeal was filed on January 31, 2023. When set by statute, the time limitation for filing a notice of appeal in a civil case is jurisdictional. *Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 17 (2017); *Bowles v. Russell*, 551 U.S. 205, 214 (2007). The lack of a timely notice mandates dismissal of the appeal. *United States v. Garcia-Machado*, 845 F.2d 492, 493 (5th Cir. 1988).

Accordingly, the appeal is DISMISSED for want of jurisdiction

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

April 19, 2023

Mr. Philip Devlin
Western District of Texas, Austin
United States District Court
501 W. 5th Street
Austin, TX 78701-0000

No. 23-50090 Hogan v. Aspire Financial
USDC No. 1:21-CV-892

Dear Mr. Devlin,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Renee S. McDonough, Deputy Clerk
504-310-7673

cc: Ms. Kimberly D. Hogan